

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C.T., A MINOR, BY CLEMENSTINE  
SMITH, GUARDIAN

v.

DELEPLAINE MCDANIEL SCHOOL,  
ET AL.

CIVIL ACTION

NO. 17-4463

**ORDER RE: MOTION TO DISMISS**

AND NOW, having considered the Motion to Dismiss the Complaint (ECF 2) of Defendants McDaniel School, the School District, and Collier-Bacon, and the response thereto, and for the reasons explained in the foregoing memorandum, it is hereby ORDERED that:

1. Count III of the Complaint is DISMISSED in its entirety, with prejudice;
2. Count IV of the Complaint is DISMISSED as to the McDaniel School, with prejudice, and as to the School District and Collier-Bacon, without prejudice, with leave to amend;
3. Any amendments must be made within fourteen (14) days.

BY THE COURT:

Date: 2/26/18

/s/ Michael M. Baylson  
Michael M. Baylson, U.S.D.J.